

Attorney Docket No. P67083US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HARTMANN et al.

Application No.: 09/914,870

Group Art Unit: 1636

Filed: January 28, 2002

Examiner: R. AKHAVAN

For: β -HEXOSAMINIDASE AND A DNA SEQUENCE CODING IT OBTAINED FROM CILIATES AND USE THEREOF

**RESPONSE
TO RESTRICTION REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

This paper responds to the Office Action (restriction requirement) mailed September 20, 2004.

Pursuant to the restriction requirement under 35 USC 121, election is made, hereby, to prosecute invention Group III, claims 1-6 and 10, with traverse.

Traverse is maintained because the claims are linked by a single inventive concept. The presently claimed invention relates to recombinant expression of β -hexosaminidase (or parts thereof) in a host organism. Recombinant expression always requires the steps of introducing a nucleic acid into the host organism and expression of the protein encoded by the nucleic acid. It is not possible to divided these two essential steps of recombinant expression into two independent and distinct inventions. Therefore, invention groups III and IV form a single inventive concept inappropriately restricted from one another. Furthermore, it is advantageous within the single inventive concept to make use of the signal peptide of present claim 7 (invention Group I) encoded by the nucleic acid of present claim 8 (invention Group II).

The peptide and nucleic acid encoding the peptide are not independent and distinct inventions, because the peptide is encoded by the nucleic acid and the function of the nucleic acid

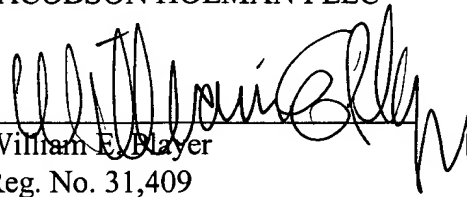
is the production of the peptide. It is advantageous to make use of the peptide (claim 7) and the nucleic acid (claim 8) in the use according to claims 1 and 9. Therefore, the subject matter in all the claims is linked by one, common inventive concept.

Favorable action is requested.

Respectfully submitted,

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